



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB3884**

Introduced 11/21/2011, by Rep. Jack D. Franks

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Overhead Utility Facilities Damage Prevention Act. Provides that it shall be unlawful for any person to plant restricted vegetation within 20 feet of an electric utility pole or overhead electrical conductor located within the State. Provides that any restricted vegetation planted, whether by a person or by natural means, within 20 feet of an electric utility pole or overhead electrical conductor located within the State shall be subject to removal. Provides that any person who sells restricted vegetation within this State shall affix a label to each piece of restricted vegetation identifying it as restricted vegetation. Permits the Illinois Commerce Commission to adopt rules concerning the removal of restricted vegetation. Provides that it shall be unlawful for any person to interfere with an electric utility while performing vegetation management and removal activities. Also creates provisions concerning findings, definitions, and Commission enforcement. Effective immediately.

LRB097 14621 CEL 59496 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Overhead Utility Facilities Damage Prevention Act.

6 Section 5. Findings. The General Assembly recognizes that  
7 it is a goal of this State to provide residents with safe and  
8 reliable electric service. The General Assembly finds that  
9 certain vegetation poses serious hazards to electric utility  
10 power lines. Specifically, the General Assembly finds that  
11 electric power outages related to the interference of  
12 vegetation are often caused by the planting of tall-growing  
13 tree species near electric utility power lines. As a result,  
14 the General Assembly finds that it is necessary to impose  
15 regulations regarding the sale and planting of these trees and  
16 to provide procedures for the electric utilities' maintenance  
17 and removal of such trees, which will reduce power outages and  
18 increase reliability of electric service.

19 Section 10. Definitions. For the purposes of this Act:

20 "Commission" means the Illinois Commerce Commission.

21 "Electric utility" has the same meaning as set forth in  
22 Section 16-102 of the Public Utilities Act.

1 "Restricted vegetation" means any tree with a mature height  
2 that is greater than 25 feet as identified in the most recent  
3 version of "Manual of Woody Landscape Plants" by Michael Dirr.

4 Section 15. Restricted vegetation. It shall be unlawful for  
5 any person to plant restricted vegetation within 20 feet of an  
6 electric utility pole or overhead electrical conductor located  
7 within the State. Any restricted vegetation planted, whether by  
8 a person or by natural means, within 20 feet of an electric  
9 utility pole or overhead electrical conductor located within  
10 the State shall be subject to the removal procedures  
11 established pursuant to the rulemaking proceeding conducted in  
12 accordance with Section 25 of this Act.

13 Section 20. Labeling of restricted vegetation. Any person  
14 who sells restricted vegetation within this State shall affix a  
15 label to each piece of restricted vegetation that provides the  
16 following notice:

17 "It is unlawful for a person to plant this vegetation  
18 within 20 feet of an electric utility pole or overhead  
19 electrical conductor located within Illinois. Violators  
20 may be subject to the removal of the restricted vegetation  
21 pursuant to the removal procedures established under  
22 Section 25 of the Overhead Utility Facilities Damage  
23 Prevention Act."

1 Section 25. Rulemaking to establish removal procedures.  
2 Within 60 days after the effective date of this amendatory Act  
3 of the 97th General Assembly, the Commission shall initiate a  
4 rulemaking proceeding to establish rules regarding:

5 (1) an electric utility's removal of restricted  
6 vegetation planted after the effective date of this  
7 amendatory Act of the 97th General Assembly, including, but  
8 not limited to, permitting the electric utility to remove  
9 the restricted vegetation without replacement;

10 (2) an electric utility's removal of restricted  
11 vegetation planted prior to the effective date of this  
12 amendatory Act of the 97th General Assembly; and

13 (3) an electric utility's removal of restricted  
14 vegetation planted by natural means both before and after  
15 the effective date of this amendatory Act of the 97th  
16 General Assembly.

17 Section 30. Interference with utility maintenance and  
18 removal of vegetation. It shall be unlawful for any person to  
19 interfere with an electric utility, including, but not limited  
20 to, its employees and contractors, while performing vegetation  
21 management and removal activities pursuant to this Act or  
22 Section 8-505.1 of the Public Utilities Act, including, but not  
23 limited to, tree trimming and tree removal activities.

24 Section 35. Commission enforcement. The Commission shall

1 have the power and jurisdiction to enforce the provisions of  
2 this Act. The Commission may adopt rules and develop  
3 enforcement policies in the manner provided by the Public  
4 Utilities Act in order to implement compliance with this Act.

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.